



THE CITY OF NEW YORK
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BY ECF

Honorable Debra C. Freeman
Chief United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Luis Soto v. City of New York, et al.
16 CV 5927 (AJN) (DCF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney for defendants City of New York, retired Police Officer Jason Stefano, Police Officer Lawrence Thomas, Police Officer Edwin Florez, and Police Officer William Beattie in the above-referenced matter. After conferring with plaintiff's counsel, Ryan Lozar, Esq., the parties jointly (1) submit the below status report regarding discovery; and (2) respectfully request an extension of discovery, from November 30, 2017 to January 31, 2018. This is the parties' second request for an extension of discovery in this matter.

Since the parties' last status report, defendants have endeavored to gather and produce any outstanding discovery. However, several of the outstanding Internal Affairs Bureau ("IAB") files have proven troublesome. In addition, plaintiff seeks several entire IAB and CCRB files, each of which are over 200 pages in length. Defendants produced seven outstanding CCRB closing reports this week, but despite the undersigned's best efforts to complete sufficient discovery in advance of defendants' tentatively scheduled depositions, the parties were unable to do so. The parties are working out availability, amongst counsels' and defendants' schedules, for agreeable dates.

The parties, therefore, jointly request an extension of discovery, from November 30, 2017, to January 31, 2018. The parties seek this extension for several reasons. First, as discussed supra, the delay in select paper discovery outside the parties' control has consequently required adjournment of certain party depositions. In addition, plaintiff wished to review his deposition transcript in conjunction with medical records in discovery to determine whether he

will perform expert discovery, as indicated in the parties' October 30, 2017 status report. (ECF No. 44.) Defendants received the plaintiff's deposition transcript on Tuesday, November 14, 2017, and sent plaintiff a copy the following day. The request for an extension of time will thus allow plaintiff to determine if expert discovery is necessary and to comply with his Rule 26 obligations. The parties have agreed that plaintiff will serve a notice of his expert, if any, and related reports on or before January 2, 2018.¹

In addition, the proposed extension relates to the parties' ongoing efforts to settle the case. Although the parties were unable to reach any resolution during the mediation sessions held under Local Civil Rule 83.10, the parties have recently begun further settlement discussions. Upon a new demand from plaintiff, the parties may request settlement conference before the Court. The parties thus hope to explore this option before conducting further depositions. Nevertheless, defendants will continue to produce any outstanding discovery during that time. Should the Court grant the request for an extension, the parties will continue to evaluate and informally resolve (to the extent possible) any outstanding discovery demands; to determine mutually-agreeable deposition dates for the defendant officers well in advance of the close of discovery; and to discuss whether a request for settlement conference will be made.

Accordingly, the parties respectfully request an extension of fact discovery, until January 31, 2018.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/

Kathleen D. Reilly
Assistant Corporation Counsel

cc: **By ECF**
Ryan Lozar, Esq., Attorney for Plaintiff

¹ At this time, should plaintiff pursue expert discovery, the parties will propose further expert discovery deadlines.